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Proposed Attorney for  
Debtor In Possession  
As Special Counsel

**ECF Filed On 7/29/21**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In Re:  
CENSO, LLC.

Case No. 19-16636-MKN  
Chapter 11

Debtor In Possession.

Date: September 1, 2021  
Time: 9:30 a.m.

**APPLICATION TO EMPLOY LAW FIRM AS ATTORNEY FOR DEBTOR IN  
POSSESSION AS SPECIAL COUNSEL FOR AN APPEAL**

CENSO, LLC, the Debtor in Possession (“Debtor” or “Applicant”), hereby applies for an order authorizing the employment of Christopher P. Burke, Esq. (“Attorney”) and The Law Office of Christopher P. Burke (the “Law Firm,” which reference(s) to shall include Attorney, members, associates, and employees thereof) as Special Counsel for the Debtor in the BAP Appeal Case No. 21-1125 in this Chapter 11 case. In support of this Application, the Debtor in Possession shows and represents as follows:

**1. Jurisdiction and Law**

The Court has jurisdiction over this Application pursuant to 28 U.S.C. §1334. This is a core proceeding pursuant to 28 U.S.C. §157(b). Venue is proper pursuant to 28 U.S.C. §§1408 and 1409. This Application is made pursuant to 11 U.S.C. §327(a) and (e) and in consideration of the provision of 11 U.S.C. §101(14), 327-329, the Federal Rules of

1 Bankruptcy Procedure (Bankruptcy Rules) 2014, 2016, 5002, 9034, the Local Bankruptcy  
2 Rules of the United States District Court, District of Nevada (Local Rules), and the Region  
3 17 United States Trustee Guidelines (Trustee Guidelines), as each may apply.

## 4 **2. Background**

5 On October 11, 2019, Debtor filed a voluntary petition for relief under Chapter 11 of  
6 the Bankruptcy Code.

7 Debtor case is currently in need of counsel to represent it in BAP Appeal Case No.  
8 21-1125. Debtor have remained in possession of its assets and is now operating as a debtor  
9 in possession pursuant to §§1107(a) and 1108 of the Bankruptcy Code. No trustee,  
10 examiner, or creditors committee had been appointed during the case. Debtor seeks to  
11 retain Law Firm to represent it in carrying out the task of representing it in an appeal.

## 12 **3. Scope of Employment**

13 **3.1. Necessity of Employment and Scope of Services.** Subject to the terms upon  
14 which the Law Firm has agreed to represent Debtor, in its appeal, it is necessary for Debtor  
15 to employ Law Firm to perform the following contemplated services which may include but  
16 are not limited to:

17 **(1)** advising and representing Debtor in connection with its appeal in BAP No. 21-  
18 1125.

19 **3.2. Reason for Selecting Law Firm and Qualifications.** Debtor has chosen  
20 representation by Law Firm because of Law Firm's familiarity with bankruptcy appeals and  
21 proceedings. Attorney is admitted to the bar of the State of Nevada, the U.S. District Court  
22 of Nevada, and the Ninth Circuit and is the principal of the Law Firm. The Law Firm is  
23 located in Las Vegas, Nevada. Attorney is an experienced attorney who has experience  
24 representing thousands of debtors under Chapter 7, 13, and 11 of the Bankruptcy Code, and  
25 been involved in over 100 bankruptcy related appeals.

1 **4. Terms of Employment**

2 **4.1. Agreement and Retainer.** Law Firm is expecting to receive a retainer from the  
3 Debtor regarding the services to be performed in connection with BAP appeal No. 21-1125  
4 in the following amount:

5 1. Retainer Amount \$15,000. This is a flat fee for this BAP appeal only.

6 **4.1.1 Use of Retainer.** The retainer will be drawn upon for the following purposes:

7 1. The retainer shall remain held in trust until Court approval of this employment  
8 application, then used to pay for the attorney fees incurred in Censo's BAP Appeal No. 21-  
9 1125.

10 **4.2. Expenses.** Law Firm will be reimbursed by Debtor for all customary support services  
11 and expenses incurred with respect to the representation.

12 **4.3. Professional and Paraprofessional Compensation.** In general, hourly rates for  
13 services rendered are:

14 \$595 per hour for Attorney's services,

15 \$125 per hour for paraprofessional(s)

16 **5. Pre-Petition Employment**

17 Other than as described in §6.1.2(1) below, no pre-petition services or bankruptcy-  
18 related services have been performed on behalf of Debtor in conjunction with its chapter  
19 11 case or plan confirmation.

20 **6. Professional Disclosure**

21 **6.1. Disinterestedness and Connections of Attorney and Law Firm.** To the best of  
22 Applicant's knowledge.

23 **6.1.1. Bankruptcy Rule 2014 Disinterestedness.** Both the Attorney and Law Firm are  
24 disinterested persons, as that term is defined under the 11 U.S.C. §101(14), and do not hold  
25 or represent an interest adverse to the bankruptcy estate with respect to the matter on  
26

1 which they are to be employed.

2 **6.1.2. Bankruptcy Rule 2014 Connections.** To the best of Applicant's knowledge, the  
3 Law Firm (including the Attorney) have the following connections with the Debtor, its  
4 creditors, other parties in interest, their respective attorneys and accountants, the United  
5 States Trustee, and persons employed in the Office of the United States Trustee:

6 **(1) The Debtor.** Other than present-case services, Law Firm represents  
7 Debtor's managing member in the following matters:

8 1. Debtors member, Melanie Schulte in 09-29123-MKN.

9 **(2) Creditors of the Debtor.** Attorney and Law Firm have no connections  
10 with the creditors or appellee of the Debtor.

11 **(3) Other Parties in Interest.** Attorney and Law Firm have no connections  
12 with any other parties in interest in this case.

13 **(4) Attorneys and Accountants.** Attorney and Law Firm have no  
14 connections with the attorneys or accountants of creditors, the Debtor  
15 (excluding the Law Firm), or any other party in interest.

16 **(5) United States Trustee.** Although the Attorney is a Chapter 7 Trustee  
17 in Reno, neither he nor the Law Firm have any other connection with the  
18 United States Trustee or any person employed in the Office of the United  
19 States Trustee.

20 **6.2. Bankruptcy Rule 5002(a) Compliance.** Neither Attorney nor any members,  
21 associates, or employees of the Law Firm are relatives of any of the United States  
22 Bankruptcy Judges serving in the United States Bankruptcy Court, District of Nevada,  
23 which judges are making appointments or approving employment of professional persons  
24 in the above-captioned case, as the term "relative" is defined under 11 U.S.C. §104(45).

1 **6.3. Continuing Duty of Disclosure.** Applicant understands that there is a continuing  
2 duty to disclose any adverse interest that may arise or be discovered during the course of  
3 this case. Periodic review will be conducted to ensure that no conflicts or other disqualifying  
4 circumstances exist or arise. If any new relevant facts or relationships are discovered or  
5 arise, supplemental information shall be provided to the court.

6 **7. Verified Statement of Attorney**

7 This Application is accompanied by Exhibit 1, a Verified Statement by Attorney  
8 showing compliance by Attorney and Law Firm with the requirements of 11 U.S.C.  
9 §§101(14), 327-329 and Bankruptcy Rules 2014, 2016, 5002, as each may apply.

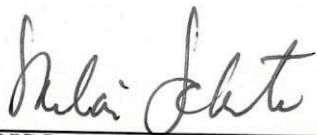
10 **8. Miscellaneous**

11 **Bankruptcy Rule 9034 Compliance.** Copies of the paper(s) filed in this matter  
12 have been contemporaneously transmitted to the Office of the United States Trustee.

13 WHEREFORE, Debtor respectfully requests this Court enter an Order:

14 1. Approving the employment and application of Christopher P. Burke, Esq. and The  
15 Law Office of Christopher P. Burke, Esq. as attorney for Debtor/Appellant in BAP Appeal  
16 No. 21-1125 in this case effective to the date filed.

17 Dated, this 29 day of July, 2021

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20 CENSO, LLC  
21 Melani Schulte, Member  
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CHRISTOPHER P. BURKE, ESQ.  
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Proposed Attorney for  
Debtor In Possession  
As Special Counsel

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In Re:

CENSO, LLC.

Debtor In Possession.

Case No. 19-16636-MKN

Chapter 11

Date: September 1, 2021  
Time: 9:30 a.m.

**VERIFIED STATEMENT/DECLARATION OF PROFESSIONAL IN SUPPORT  
OF APPLICATION TO EMPLOY ATTORNEY AS SPECIAL COUNSEL**

Christopher P. Burke, Esq., being first duly sworn, states:

1. I am an attorney and counselor at law, admitted to practice in the court of the State of Nevada and in the above-captioned Court.

2. I am an attorney in the law firm of Christopher P. Burke, Esq., which maintains an office for the practice of law at 218 S. Maryland Parkway, Las Vegas, Nevada 89101.

3. Neither I nor any of the partners or employees of Christopher P. Burke, Esq., are relatives of the United States Bankruptcy Judges serving in the United States Bankruptcy Court for the District of Nevada, which Judges are making appointments or approving employment of professional persons in the above-captioned Court, as the term "relative" is defined in 11 U.S.C. Section 101(39). Bankruptcy Rule 5002(a). Furthermore, to the best of my knowledge, neither I nor any member of my firm is related to a bankruptcy judge or any employee of the Office of the United States Trustee. Pursuant to Rule 2014(a),

1 to the best of my knowledge and belief, **NEITHER I NOR ANY MEMBER OF MY**  
2 **FIRM HAVE ANY CONNECTIONS WITH THE DEBTOR, CREDITORS, ANY**  
3 **PARTIES OF INTEREST, THEIR RESPECTIVE ATTORNEYS AND**  
4 **ACCOUNTANTS, THE UNITED STATES TRUSTEE, OR ANY PERSON**  
5 **EMPLOYED IN THE OFFICE OF THE UNITED STATES TRUSTEE.** (Bankruptcy  
6 rule 2014(a); Guidelines Section 2.1.4).

7 4. Christopher P. Burke, Esq., with exception of being a chapter 7 panel Trustee  
8 in Reno, has no connection with the United States Trustee, the Debtor, creditors or any  
9 other party in interest, or their respective attorneys and accountants, and represents no  
10 interest that is adverse to the Debtor, or to the Estate, in matters upon which it will be  
11 engaged as counsel, except as otherwise disclosed in the Application. That the Law Firm  
12 does represent, Censo's member, Melani Schulte in bankruptcy 09-29123-MKN

13 5. To the best knowledge of Affiant, the Law Firm of Christopher P. Burke, Esq.,  
14 does not hold or represent an interest adverse to the above-captioned estate, and the law  
15 firm of Christopher P. Burke, Esq., is a "disinterested person/entity" within the meaning  
16 of the United States Bankruptcy Code. 11 U.S.C. Section 327(a) and (e); "Guidelines" Section  
17 2.1.4.

18 6. The Law Firm of Christopher P. Burke, Esq., has not provided pre-petition  
19 services to the Debtor.

20 7. The Law Firm of Christopher P. Burke, Esq., will receive a \$15,000 retainer  
21 in this case. This is the entire fee for the BAP appeal alone. Approval of such attorneys fees  
22 is being requested by the motion. However, necessary costs will be paid by the Debtor as  
23 needed. 11 U.S.C. §329(a); "Guidelines" Section 2.1.4.

24 8. To the best knowledge of Affiant, except as otherwise disclosed herein or in  
25 the Application for Employment, the law firm of Christopher P. Burke, Esq., has no  
26 connections with the Debtor, creditors or any other party in interest, or their respective  
27 attorneys and accountants with respect to the scope of services to be rendered by  
28 Christopher P. Burke, Esq., for services rendered or to be rendered in any capacity



1 whatsoever in connection with the above-captioned case, and no agreement or  
2 understanding exists between the Law Firm of Christopher P. Burke, Esq., and any other  
3 person or entity for the sharing of compensation to be received for services rendered in  
4 connection with the above-captioned case, or BAP Appeal No. 21-1125 nor shall the Law  
5 Firm of Christopher P. Burke, Esq., agree to share in the compensation of any other person  
6 rendering services in connection with the above captioned case. Bankruptcy Rule 2016(a);  
7 “Guidelines” Section 2.1.4.

8 DATED this 29<sup>th</sup> day of July, 2021  
9

10 /s/ Christopher P. Burke, Esq.  
11 Christopher P. Burke, Esq.  
12 218 S. Maryland Parkway  
13 Las Vegas, Nevada 89101  
14 (702) 385-7987  
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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In Re:

CENSO, LLC.

Debtor.

Case No. 19-16636-MKN

Chapter 11

Date:  
Time:

**ORDER GRANTING APPLICATION TO EMPLOY LAW FIRM AS ATTORNEY  
FOR DEBTOR IN POSSESSIONS AS SPECIAL COUNSEL FOR BAP APPEAL  
NO. 21-1125**

Upon the application of Debtor in Possession CENSO, LLC, ("Debtor" or "Applicant") praying for authority to employ and appoint the Law Firm of Christopher P. Burke, Esq., as counsel to represent the Debtor, in BAP Appeal No. 21-1125;

It appearing that the required notice of said Application has been given to all parties in interest and a hearing on the Application having been held on September 1, 2021, at the

1 hour of 9:30 a.m.; it further appearing that Christopher P. Burke, Esq., is a lawyer duly  
2 licensed in the State of Nevada, the Court being satisfied that Christopher P. Burke, Esq.,  
3 represents no interest adverse to said bankruptcy estate or interested parties in the matters  
4 upon which Christopher P. Burke, Esq., is necessary and would be to the best interest of the  
5 estate, with no creditor objecting; and for the reasons stated orally and recorded in open  
6 court that shall constitute the decision of the Court pursuant to Rule 7052 of the Federal  
7 Rules of Civil Bankruptcy Procedure, and good cause appearing, it is hereby:

8 **ORDERED** that the Application to Employ Attorney as Special Counsel for BAP  
9 Appeal No. 21-1125 is GRANTED, and that the Debtor is authorized to employ and appoint  
10 the Law Firm of Christopher P. Burke, Esq., as Debtor's counsel to represent the Debtor in  
11 BAP Appeal Case No. 21-1125, as set forth in the Application.

12 IT IS SO ORDERED.

13 Respectfully submitted by:

14 /s/ Christopher P. Burke, Esq.  
15 Christopher P. Burke, Esq.

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